REMARKS

Applicants have amended their claims in order to further clarify the definition of various aspects of the present invention. Specifically, the Applicants have incorporated the subject matter of claims 5 and 11 respectively into claims 1 and 10. In view thereof, claims 5 and 11 have been cancelled without prejudice or disclaimer, and dependencies of claims 6 and 12 have been amended.

The Examiner is thanked for the indicated allowability of subject matter of previously considered claims 5 and 6. As indicated previously, the subject matter of claim 5 has been incorporated into claim 1. In view thereof, it is respectfully submitted that claim 1, and all claims ultimately dependent thereon (that is, claims 2-4 and 6-9), should be allowed.

The rejection of claim 10 under 35 U.S.C. § 102(b), as anticipated by the teachings of Pavlick, et al. (U.S. Patent No. 4,715,292), set forth in Item 2 on page 2 of the Office Action mailed October 28, 2004, is noted. Since the subject matter of claim 11 has been incorporated into claim 10, it is respectfully submitted that this anticipation rejection set forth in Item 2 on page 2 of the Office Action mailed October 28, 2004, is moot.

As for present claims 10 and 12, and noting rejection of previously considered claims 11 and 12 as set forth in Item 4 on page 3 of the Office Action mailed October 28, 2004, it is respectfully submitted that present claims 10 and 12 patentably distinguish over the teachings of U.S. Patent No. 4,715,292 to Pavlick, et al. and U.S. Patent No. 3,983,962 to Torke, under the provisions of 35 U.S.C. § 103.

It is respectfully submitted that the references as applied by the Examiner would have neither taught nor would have suggested such a railway car formation as in the present claims, including, inter alia, wherein both ends of a respective car body of the railway car formation, constituting a portion of a passenger room, are equipped with the recited parts; and wherein the portion of a passenger room is an underframe of each car body, with material for forming the ends of the underframe being softer than the material for forming a longitudinal center area thereof, such material forming both ends being formed by annealing. See claim 10.

In addition, it is respectfully submitted that these references as applied by the Examiner would have neither taught nor would have suggested such a railway car formation as in the present claims, having features as discussed previously in connection with claim 10, and, moreover, wherein the material used in forming both ends of the underframe and the material in forming the longitudinal center area have a same composition, the material of the ends having been made softer by annealing. See claim 12.

According to the presently claimed structure, a passenger room can be made safer and passengers protected, by providing the shock absorbing mechanism of the underframe of the respective car body. See the last full paragraph on page 11, and the paragraph bridging pages 11 and 12 of Applicants' Specification.

Pavlick, et al. discloses an improved lead or head end car with crashworthiness exceeding those of passenger cars, locomotives and clean cab

requirements. See column 1, lines 43-46. This patent discloses that the lead or head end car is placed in front of a propulsion car, such as a locomotive, and is designed to carry control equipment and crew. The head end car may be sub-divided into compartments, with one of the compartments being elevated for visibility. The head end car includes a center frame or cage of very high strength for the crew; and the car further includes front and rear collapsible portions, on either side of the center frame, which are collapsible to absorb the kinetic energy in the event of a crash. Under a maximum crash situation, the collapsible portions tend to force the center frame upwardly and out of the direct line of the crash forces. See column 1, line 61 to column 2, line 7. Note also column 2, lines 54-65; column 3, lines 16-21 and 26-31; column 4, lines 8-19; and column 5, lines 24-46.

Initially, it is noted that Pavlick, et al. discloses a head end vehicle designed to carry the crew, with crashworthiness exceeding those of passenger cars among other vehicles of railway cars. It is respectfully submitted that particularly in view of the purpose of Pavlick, et al. of providing crashworthiness exceeding those of passenger cars, it is respectfully submitted that this reference would have neither taught nor would have suggested, and that it would have taught away from, the present invention, including wherein both ends of a respective car body of the railway car formation, constituting a portion of a passenger room, are equipped with the recited parts.

Moreover, it is also noted that Pavlick, et al. discloses that the car includes front and rear collapsible portions, which effectively form part of the car length. It

is respectfully submitted that this reference does not disclose, nor would have suggested, that aspect of the present invention wherein the portion equipped with the recited parts is an underframe of each car body.

It is respectfully submitted that the additional teachings of Torke would not have rectified the deficiencies of Pavlick, et al., such that the presently claimed invention as a whole would have been obvious to one of ordinary skill in the art. Torke discloses an elongate frame member, for a vehicle, which is capable of being longitudinally compressed to form corrugated deformations when a compressive stress of a predetermined minimum value is axially applied to the frame member. This patent discloses that the frame member is provided with a strain-free annealed zone for initiation of the deformation, which advantageously dissipates energy during a vehicular accident. See column 1, lines 43-51. Note also column 1, lines 55-61 and 34-39.

Even assuming, arguendo, that the teachings of Pavlick, et al. and Torke were properly combinable, it is respectfully submitted that such combined teachings would have neither disclosed nor would have suggested such a railway car formation as in the present claims, having the ends of a respective car body of the railway car formation, constituting a portion of a passenger room, being equipped with the recited parts, or that such portion of the passenger room is an underframe of each car body, and advantages thereof as discussed in the foregoing; and/or other features of the present invention as in, for example, claim 12, wherein the material used in forming both ends of the underframe of each car body and the material used in forming the longitudinal center area thereof have a

same composition, with material of both ends having been softer by the annealing, and advantages thereof.

Comments by the Examiner with respect to the teachings of Pavlick, et al., in lines 4-11 on page 3 of the Office Action mailed October 28, 2004, are noted. The Examiner has not even addressed the recitation in the present claims of both ends of the respective car body of the railway car formation, constituting a portion of a passenger room, being equipped with the parts that shrink as recited in the present claims. Particularly since Pavlick, et al. described a head end vehicle with crashworthiness exceeding those of passenger cars, it is respectfully submitted that the Pavlick, et al. would have taught away from the present invention.

In addition, it is emphasized that according to Pavlick, et al., the head end car has front and rear collapsible portions, of the car, which are collapsible to absorb the kinetic energy in the event of a crash. It is respectfully submitted that this disclosure would have neither taught nor would have suggested such a structure as in the present claims, including wherein the portion of the passenger room being equipped with the parts that shrink is an underframe of each car body. In this regard, it is to be noted that the Examiner states that Pavlick, et al. discloses both front end section and rear end section of the rail car being collapsible. It is respectfully submitted that such disclosure of the sections being collapsible do not disclose, nor would have suggested such structure as in the present claims including wherein the portion of the passenger room equipped with parts that shrink is an underframe of each car body.

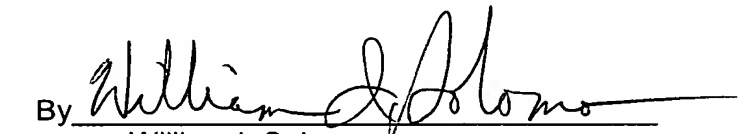
In view of the foregoing comments and amendments, reconsideration and allowance of all claims remaining in the application are respectfully requested.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 648.41258CX1), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By 

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